IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 576/2006

Shri Custodio Fernandes
(since deceased through his LRs.)

1. Shri Costao Fernandes,
2. Mrs. Liberata Fernandes,

Both resident of House No.770,
Oilem -Mola, Cacora, Quepem, Goa. ..... Petitioners.

V/s.

Shri Savlo Fondu Gaonkar
(since deceased through his LRs.),

1. Smt. Kesar Babuso Gaonkar,
2. Shri Babuso Gaonkar,
   Both resident of Jarivada, Gudi-Goa
3. Shri Shevanti R. Deyekar,
4. Shri Raghunath Deyekar,
   Both resident of Navewada,
   Akamol, Quepem, Goa.
5. Shri Narayan S. Gaonkar,
6. Shri Malinee N. Gaonkar,
7. Shri Satu S. Gaonkar,
8. Smt. Nali S. Gaonkar,
9. Shri Ratnakar S. Gaonkar,
10. Smt. Ratiksh R. Gaonkar,
11. Shri Anil S. Gaonkar,
    All respondent Nos. 5 to 11
    are resident of Soliem, Kaley-Goa. ..... Respondents.

Mr. Gaurish Kudchadkar, Advocate for the petitioner.

Mr. V. P. Thali, Advocate for the respondents.

CORAM : S.A. BOBDE, J.

DATE : APRIL 12, 2007.

ORAL JUDGMENT :

Rule, returnable forthwith. Heard by consent.

2. An issue in this writ petition is whether the Dy. Collector was right in dismissing the petitioner's revision without hearing him. That revision was filed by the petitioner against the order of the Mamlatdar directing that the petitioner's evidence be closed because of the attempt of the petitioner to delay the proceeding since what is really in issue is whether the petitioner should be allowed to lead evidence before the Mamlatdar and that was the scope of the revision before the Dy. Collector.

3. The learned Counsel for the parties, after arguing the matter for some time, have agreed that this writ petition be disposed of by consent, on the following terms :

(i) The impugned Order dated 22.11.2005 along with the order in review dated 26.9.2006 of the Dy. Collector, as also the order dated 28.1.2004 of the Mamlatdar, are hereby set aside. The petitioner is directed to tender any evidence that he may wish to produce before the Mamlatdar within a period of one month from the next date which shall be 30th May, 2007 or within one month of the first date before the Mamlatdar;

(ii) The petitioner shall not be allowed to lead any evidence

thereafter in case he fails to produce the evidence within the time stipulated above.

Rule disposed of.

S.A. BOBDE, J.

ssm.